

SSB 6646 - S AMD 106

By Senators Poulsen, Doumit

ADOPTED 02/13/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.94.743 and 2004 c 213 s 1 are each amended to read
4 as follows:

5 (1) Consistent with the policy of the state to reduce outdoor
6 burning to the greatest extent practical:

7 (a) Outdoor burning shall not be allowed in any area of the state
8 where federal or state ambient air quality standards are exceeded for
9 pollutants emitted by outdoor burning.

10 (b) Outdoor burning shall not be allowed in any (~~urban growth area~~
11 ~~as defined by RCW 36.70A.030, or any~~) city of the state having a
12 population greater than ten thousand people if such cities are
13 threatened to exceed state or federal air quality standards, and
14 alternative disposal practices consistent with good solid waste
15 management are reasonably available or practices eliminating production
16 of organic refuse are reasonably available. In no event shall such
17 burning be allowed (~~after December 31, 2000, except that~~) within
18 (~~the~~) urban growth areas as defined by RCW 36.70A.030, except that
19 within urban growth areas for cities having a population of less than
20 five thousand people, that are neither within nor contiguous with any
21 nonattainment or maintenance area designated under the federal clean
22 air act, (~~in~~) no (~~event shall~~) such burning shall be allowed after
23 December 31, (~~2006~~) 2008.

24 (c) Notwithstanding any other provision of this section, outdoor
25 burning may be allowed for the exclusive purpose of managing storm or
26 flood-related debris. The decision to allow burning shall be made by
27 the entity with permitting jurisdiction as determined under RCW
28 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
29 to (a) or (b) of this subsection, a permit shall be required, and a fee
30 may be collected to cover the expenses of administering and enforcing

1 the permit. All conditions and restrictions pursuant to RCW
2 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
3 section.

4 (d)(i) Outdoor burning that is normal, necessary, and customary to
5 ongoing agricultural activities, that is consistent with agricultural
6 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within
7 the urban growth area as defined in (b) of this subsection if the
8 burning is not conducted during air quality episodes, or where a
9 determination of impaired air quality has been made as provided in RCW
10 70.94.473, and the agricultural activities preceded the designation as
11 an urban growth area.

12 (ii) Outdoor burning of cultivated orchard trees, whether or not
13 agricultural crops will be replanted on the land, shall be allowed as
14 an ongoing agricultural activity under this section if a local
15 horticultural pest and disease board formed under chapter 15.09 RCW, an
16 extension office agent with Washington State University that has
17 horticultural experience, or an entomologist employed by the department
18 of agriculture, has determined in writing that burning is an
19 appropriate method to prevent or control the spread of horticultural
20 pests or diseases.

21 (2) "Outdoor burning" means the combustion of material of any type
22 in an open fire or in an outdoor container without providing for the
23 control of combustion or the control of emissions from the combustion.

24 (3) This section shall not apply to silvicultural burning used to
25 improve or maintain fire dependent ecosystems for rare plants or
26 animals within state, federal, and private natural area preserves,
27 natural resource conservation areas, parks, and other wildlife areas."

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28 On page 1, line 2 of the title, after "cities;" strike the
29 remainder of the title and insert "and amending RCW 70.94.743."

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